

MINUTES OF MARION CITY COUNCIL PUBLIC HEARING
CITY COUNCIL CHAMBERS

June 10, 2014

6:15 P.M.

At 6:15 p.m. on June 10, 2014, Mayor Bobby L. Davis called to order the Public Hearing to Set Millage for Raising Funds and to adopt the Budget for the City of Marion, South Carolina Fiscal Year Ending June 30, 2014. He opened the floor for any citizen of Marion to ask questions or make comments regarding the budget. One resident came forward and expressed his concern and hope that the City would be able to work out something to keep at least one PDRTA bus going to the beach so that those who depend on the bus to travel to their job would be able to continue to do so in order to provide for their families. With no further comments, Mayor Davis adjourned the Public Hearing.

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS

June 10, 2014

6:30 P.M.

A regular meeting was held by City Council on June 10, 2014 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Emerson Hunt and Joseph Frazier were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, and Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV)

Mr. Ammons asked that a clarification to Councilman Hunt's motion (page 5) in the May 13, 2014 minutes be amended to state "I make a motion to move forward to sending Heather Evans to a school and looking into magistrate court to see which is more financially viable for this City to move forward with their City court and bond hearings". Councilman Michael Baker made a motion to accept the minutes and amendment from the regular meeting on May 13, 2014, seconded by Councilman Joseph Frazier; motion carried.

Mr. Bobby Manning received the Mayor's Beautification Award but was not present to accept.

On behalf of the City of Marion, Mayor Bobby L. Davis presented lifeguard Troy Watson a *Certificate of Appreciation* for his life saving actions at Grice's pool on June 5, 2014. He responded to a child who jumped in the pool and could not swim and, quickly realizing the child was in distress, safely removed him from the pool. Mr. Watson's actions are appreciated by all.

PFC Bobby J. Davis of the Marion Police Department was named *May Employee of the Month* and presented with a gift certificate.

Mr. Chuck McNeil from PDRTA gave a slide presentation on the benefits of helping fund the PDRTA bus route from the Marion/Mullins area to the beach. He asked for funding from the City of Marion in the amount of \$6,650 (and will be seeking the same amount from Mullins and Marion County). He stressed the urgency of acquiring funding as that will determine how they proceed. Mayor Davis commented that there was already \$2,800 in the budget and what PDRTA was asking for was an additional \$3,850. Mayor Pro-tem Atkinson commented that he does not have a problem with the bus, but would like an accurate count of people who actually use the bus service. Councilman Ralph Atkinson commented that public transportation is a good thing, but the City is dealing with a tight budget and has proposed a 4 mil increase tapping \$320,000 + out of the reserve fund, which he is not in favor of. Councilman Atkinson further commented that he knew the jobs were important to the people (riding the bus) and empathized with their plight, your plight and our plight, but we can't spend money we don't have and we have to make hard decisions. Councilwoman Gregg asked what adjustments were made during the winter when a smaller number of people rode the bus. Mr. McNeil responded that they have on occasion used a 20 passenger bus, but there was often more than 20 and they had to stand so it becomes a delicate balance to send a smaller bus. Councilwoman Gregg asked if there was an estimate of how many will be riding the bus each day, to which Mr. McNeil responded they did not know, and had no way to know, how many riders there would be each day, they estimated a number based on trends and ridership during the same time frame in years past. Councilman Hunt commented that our job is help our citizens survive and we need to help those who are trying to help themselves. He further commented that he hopes Council will move forward and try to help this entity, if the other two do it as well, because you need all three. Mayor Davis agreed with Mr. Hunt that this is something that needs to be looked at closely. Mayor Pro-tem Ronald Atkinson made a motion to allow Mayor Davis to meet with Mayor McMillan and County Administrator Harper and bring back to Council the report after their meeting, seconded by Councilman Emerson Hunt; motion carried. After Council reviews the report and makes a

decision, Mr. McNeil (PDRTA) will be notified of the decision. Mr. McNeil asked to be notified as quickly as possible due to the urgency of the request. He thanked the Mayor and Council for their attention to this matter. Councilman Joseph Frazier made a motion that the Healthcare Foundation be included in the meeting with the Mayors, seconded by Councilman Michael Baker. Councilman Frazier withdrew his motion. Mayor Davis explained that last time we met (last year), our decision was based upon the outcome of what the Foundation would do; if they committed the matching funds, we would also commit. Responding to a question regarding using the hospitality tax for this, Mayor Davis stated that the hospitality tax, which he can approve spending, can only be used for tourism, and as this expense will come from the general fund, Council has to approve it.

Councilman Michael Baker made a motion to allow the Summer Camp program use of City facilities for inclement weather or overflow, seconded by Councilman Joseph Frazier. Motion carried.

Mr. Ammons stated that Senator Kent Williams has requested funding of \$5,000 (from the current budget); normally we approve \$3,000. Councilman Joseph Frazier made a motion to give the \$3,000 as in prior years. Mayor Pro-tem Atkinson asked what benefits the City gets from this. Mayor Davis responded that his office is located in Marion and he has been working closely with us to help obtain money from the state to fix our drainage problems. He and Representative George have worked with us to get things done and this money is spent through the delegation office located in Marion. Councilman Michael Baker made a motion to give Senator Williams \$5,000 as requested, seconded by Councilman Joseph Frazier. Per Mayor Davis, this money will come from the fund balance. Motion carried 5-2 with Councilman Ralph Atkinson and Mayor Pro-tem Ronald Atkinson voting **no**. Mayor Davis passed around a handout to show the facts regarding money spent. Mayor Davis stated that his administration has not spent a dime from the Grand Strand money since he became Mayor; we deposited \$2 million of Grand Strand money; Grand Strand gave us \$2.6 million and we spent \$600,000 (per Council vote during Mayor Rodney Berry's term) to improve equipment at Grice's and other places. The \$2 million is still in the bank, plus \$39,846 earned on this money. Councilman Ralph Atkinson asked if the money we spent or agreed to spend, didn't we agree to borrow that from the fund and pay it back? City Treasure Patricia Brown responded not the \$600,000 that was the fire station match (\$50,000). Mr. Ammons stated there was also about \$125,000 to close the landfill and we are paying ourselves back about \$10,000 per year. Councilman Ralph Atkinson commented that was about \$175,000 on that part and on the other part Council voted to spend. His understanding that in the budget for this year, they agreed on this money to

include the earnings off this money to be put into the budget since Grand Strand bought out the water system, and we're continuing to put that money into the budget as interest income. In this year's budget there's \$320,000+ projected to come out of this fund. Mayor Davis stated that was not correct. Mrs. Brown commented that there was approximately \$1 million in the cushion fund. Councilman Ralph Atkinson stated that it's all reserved funds, whether its Grand Strand money, it's still the City of Marion's money, wherever you get it from; it's still the taxpayers money. Whether you take it out of Grand Strand or that cushion or whatever cushion it is, it's still reserve funds. In the budget that we are voting on tonight and give 2nd reading, it is projected to have a 4 mil increase and take \$320,000+ out of the reserve fund, whether it be the old reserve fund, the Grand Strand fund or the hocus pocus fund. When asking if he was correct, Mrs. Brown stated that it comes out of the fund balance. Councilman Atkinson further stated that that he understood we were not spending Grand Strand's money, but we are spending the City of Marion's money. The budget the Mayor has presented is that we are projecting, not that you are going to spend every dime of it, or that Council's going to spend every dime of it, the budget presented for our approval is to take a 4 mil increase and take \$320,000+ out of the fund balance, whether it be the old fund balance or whatever balance, is out of the taxpayers money reserve fund. Councilman Atkinson commented that he would like to know whether or not he was correct so he and the Mayor would be on the same sheet of music. He further commented that he wants to make sure he understands what we are doing, because if he doesn't, he is not doing the people who elected him a good service. Mayor Davis responded that Councilman Atkinson was correct and it was coming from the fund balance. Councilman Baker asked how many years have we gone to fund balance to balance the budget to which Mrs. Brown responded that last year was the first year. Mayor Davis stated that the fund balance had been put in the budget for several years, but as far as using it, last year was the first time. That was not Grand Strand money, but reserve fund money, and any money spent by the City is taxpayer money. The cushion fund we are talking about has nothing to do with Grand Strand, it has to do with the old Rural Development sewer and water funds we used to have when we were required to keep a match of payments so we could pay Rural Development for whatever loans we had. That's what we were using to balance it and we never had to use everything out of that, it's there as a cushion fund. This City has not given the police department a base salary raise since 2005 and are the lowest paid in the County, which is why we put in the 4 mils. The 4 mils will only be used for police department salaries to be raised. Councilman Ralph Atkinson commented that we have not yet approved the budget but we are taking more money out of the fund balance and taking more money out of the fund balance that's not budgeted, for PDRTA. How many more times are we going to come back and hit the fund balance? Maybe we should have done a

better job with the budgeting process and instead of raising taxes 4 mils, raise the taxes whatever limit the State will allow us to. Councilman Atkinson commented that he wanted to make sure that he and Mayor Davis are on the same sheet of music; to which Mayor Davis responded that they were not. Councilman Atkinson stated that he wants to make sure he understands the process. Councilman Michael Baker made a motion that the funding (\$5,000) comes from the fund balance, seconded by Councilman Joseph Frazier. Mayor Pro-tem Ronald Atkinson asked if we can't fund \$3,000 for the bus (PDRTA), how can we justify giving him (Sen. Williams) \$5,000 when we have been giving him \$3,000? Mayor Davis responded that if he had the authority he would approve PDRTA tonight, but he doesn't and it will be left up to the Council. Councilman Ralph Atkinson asked why wasn't the \$3,000 that we have been giving Senator Williams in the budget. Mayor Davis responded that we didn't put it in the budget. Motion to fund Senator Williams from the fund balance carried **5 - 2**, with Mayor Pro-tem Ronald Atkinson and Councilman Ralph Atkinson voting **no**.

Coach Leonard Johnson from Marion High School was present to request funding for the Marion High football team to attend camp at Clemson University. This camp will help our players not only with football skills, but become long-term productive members of society. The cost per player is \$275.00 for a total of \$9,600 (34 players) and they have currently raised \$6,000. Councilman Emerson Hunt commented that as far as the budget was concerned, he did not know whether Council would approve this request or not, but that he would personally sponsor two players. After some discussion among Council, Councilman Emerson Hunt made a motion based on the fact that we don't have the funding, not that we don't want to be there for the school or the kids, seconded by Councilman Ralph Atkinson. Motion carried. Mr. Ammons, Mayor Davis and City Attorney Boykin & Davis each offered to sponsor a player. Mayor Davis asked Coach Johnson to tell the team that there are people out here who truly care.

Mr. Ammons stated that to finish out May & June for the Attorney, we need to transfer \$2,500 from a property insurance rebate to professional services for the City Attorney. Mayor Pro-tem Atkinson asked why are we out of money in the Attorney account. He commented that Council used to receive a copy of the Attorney's bill every month and Mayor Davis agreed that each Council member would again receive a copy of that monthly bill. Councilman Hunt commented that from what he understood when we moved over to the new attorneys, it would not exceed the cost of where we were at and could Attorney Davis give us any indication why the cost has exceeded what we were prescribed that it would cost your firm? Attorney Davis responded that when we first began, we had the big constitutional issue regarding

use of the auditorium and that basically put in more study to come up with a solution that would keep the City out of litigation. Since that time, Mr. Ammons apprised us that we were running close to the budget, so most months we cut out about 1/3 of our bill; we go through our bill and basically donate that to the City because we want to provide the level of service we believe the City should get. We don't charge for travel, we recognize the City has budget trouble and we try to be good partners with that. That one particular issue was pretty involved during the November, December & January time period and we believed it required the appropriate studies and research and hopefully what we did will protect the City going forward. Since that time, we have been making sure we cut stuff so that we can stay within budget. Mayor Davis commented that they have been generous enough not to charge us for things they could have and is pleased with their response when Mr. Ammons or asks them to make sure everything we're doing is legal. Councilman Michael Baker made a motion to transfer \$2,500 from the property insurance rebate to the Attorney fees, seconded by Councilman Joseph Frazier. The motion carried **4 – 3**, with Mayor Bobby L. Davis, Council Members Michael Baker, Odessa Gregg and Joseph Frazier voting **yes** and Mayor Pro-tem Ronald Atkinson and Council Members Ralph Atkinson and Emerson Hunt voting **no**.

Mayor Pro-tem Ronald Atkinson made a motion to allow the Arts Council to use the Hike-Bike Trail for the 1st Annual Marion County Chalk Walk, seconded by Councilman Emerson Hunt; motion carried.

The City received an opinion from MASC that, through a Resolution, the City of Marion could use hospitality funds (this and following years) for the Marion County Independence Day celebration whether it's held in Marion or Mullins. Councilman Joseph Frazier made a motion to support the Marion County Independence Day with a Resolution and \$500 in funds, seconded by Councilman Michael Baker. Motion carried.

Mr. Ammons reviewed a proposed fee schedule for rental fees for City facilities, which have not been adjusted since 2005. Councilman Ralph Atkinson made a motion to accept 1st Reading on ***ORDINANCE 14-04, An ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA ESTABLISHING A FEE SCHEDULE FOR CITY FACILITIES***, as presented, seconded by mayor Pro-tem Ronald Atkinson; motion carried.

Mr. Ammons presented a proposed change to the yard sale ordinance, increasing the fee from \$3.00 to \$5.00 and allowing yard sale permits to be issued each week until Thursday at noon. Councilman Ralph Atkinson made a motion to accept 1st Reading on ***ORDINANCE 14-05, An ORDINANCE TO AMEND PART 7, SECTION 7-6008, YARD SALES***, as presented, seconded by Councilman Emerson Hunt; motion carried.

Councilman Michael Baker made a motion to accept 2nd Reading on ***ORDINANCE 14-01, AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2015***, seconded by Councilman Joseph Frazier. Motion carried **5-2**, with Mayor Bobby L. Davis, Council Members Michael Baker, Odessa Gregg, Emerson Hunt and Joseph Frazier voting **yes**; Mayor Pro-tem Ronald Atkinson and Councilman Ralph Atkinson voting **no**.

Councilman Michael made a motion to accept 2nd Reading on ***ORDINANCE 14-02, AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MARION FOR THE 2014-2015 FISCAL YEARS***, seconded by Councilman Joseph Frazier. Motion carried **6 -1** with Councilman Ralph Atkinson voting **no**.

Mayor Pro-tem Ronald Atkinson made a motion to accept 2nd Reading ***on ORDINANCE 14-03 to AMEND ORDINANCE 13-06, AN ORDINANCE TO AUTHORIZE THE SALE OF CERTAIN PROPERTIES BY RECEIVING SEALED BIDS, SUBJECT TO CITY'S POWER TO REJECT ALL BIDS*** (Cheezem Property), seconded by Councilman Michael Baker; motion carried. This Ordinance will decrease the minimum bid from \$70,000 to \$60,000 and will be advertised.

ADMINISTRATOR'S REPORT

Mr. Ammons reported that the Tollison and Elementary gyms are under heavy construction and is currently on schedule. At the request of Mr. Ammons, Councilman Ralph Atkinson made a motion to use no more than \$300 in the Rose Hill Fund to repair the water pipes and spigots, seconded by Councilman Emerson Hunt; motion carried. One of the auditors recommended that we create a travel policy and the City Attorney will have to prepare an Ordinance. Mr. Ammons asked that Council take this under advisement and let him know before next month's meeting if they want to make any changes to the policy that has been presented.

CITY ATTORNEY'S LEGAL UPDATE

City Attorney Kenneth Davis had nothing to report at this time.

DEPARTMENTAL REPORTS

Mayor Davis stated that all departmental reports were sent to Council in their packets.

DISTRICT AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Emerson Hunt asked Mr. Ammons how close we are to having the IGA debris cleaned up, to which Mr. Ammons responded that there is asbestos in the remainder and it has been contracted to be taken to the Lee County landfill and he will follow up tomorrow for an update.

Councilwoman Odessa Gregg expressed her concern to Mr. Ammons about the pool of water behind the Dollar General on South Main Street, to which Mr. Ammons responded that a letter has been sent to Dollar General and has not yet received a reply. Our Ordinance does not require fencing, but Council may want to consider adding that to the Zoning Ordinance. Mr. Ammons will send another letter expressing the City's concern. Councilwoman Gregg asked that Council be advised when he receives a response. Councilwoman Gregg is pleased with the way the summer camp is progressing, has received positive comments, and the children seem happy. She appreciates all the cooperation that has been put into this.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson had no comment at this time.

Councilman Joseph Frazier commented that the pool was very well received and the City did a wonderful job in refurbishing the pool. The vacant house at 801 Smith Street was broken into Monday night and we need to notify the owner to clean it up again.

Councilman Michael Baker had no comment at this time.

Mayor Bobby L. Davis passed out pictures from the summer program and commented on how pleased he is with the diversity of the group and the number of kids who have turned out. He also commented that he was very pleased with the staff and lifeguards and that Director Mike Tiesing was running a very good camp. Mayor Davis commented that a new business, Tractor Supply, will be opening at the old Wal-Mart Center in September. Councilman Ralph Atkinson commented that they were now taking applications. The Urban League in Columbia has a Youth League Development Institute and will be sending young people to assist us for 6-8 weeks; some will be at the camp, some may be at City Hall answering the phone or where needed. This will be at no cost to the City, they will be paid by the Urban

League. All Council members received a packet regarding Proper Flag Etiquette, Rules of Procedure from the Municipal Association and Keeping Special Events "Special".

EXECUTIVE SESSION

Councilman Ralph Atkinson made a motion to enter Executive Session to discuss Personnel Matter – Police Department and Municipal Court, seconded by Councilman Joseph Frazier; motion carried. Upon returning from Executive Session, Mayor Davis stated that no action had been taken. Councilman Joseph Frazier made a motion to return to Open Session, seconded by Councilman Michael Baker; motion carried.

Councilman Emerson Hunt made a motion to try to get Heather Evans into the July Session of Municipal Court, seconded by Councilman Joseph Frazier; motion carried. Councilman Emerson Hunt made a motion that Judge Speth come before Council next meeting to address Municipal Court concerns, seconded by Councilman Michael Baker; motion carried.

ADJOURNMENT

With no further business to discuss, Councilman Ralph Atkinson made a motion to adjourn.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped June 10, 2014